

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

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In re:

Chapter 7

SPONGETECH DELIVERY SYSTEMS, INC.,

Case No. 10-13647 (SMB)

Debtor.  
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**ORDER DENYING MOTION BY JAMES SASSER**

Upon the motion (the "Motion") dated March 18, 2011, filed by James Sasser ("Sasser")(ECF Docket #251) which sought to compel Kenneth P. Silverman, Esq., the chapter 7 trustee (the "Trustee") of the above-captioned debtor (the "Debtor"), to set aside proceeds of the sale of certain of the Debtor's assets approved by the Court on April 27, in order to fund the pursuit of certain litigation claims; and upon the Affidavit in Further Support of the Motion filed by Sasser on June 14, 2011; and upon the oppositions to the Motion filed by the Trustee on May 18, 2011 and June 17, 2011; and upon the hearing held on June 21, 2011 (the "Hearing"), before the Honorable Stuart M. Bernstein, United States Bankruptcy Judge, at the United States Bankruptcy Court for the Southern District of New York, the transcript of which is incorporated herein by reference; and the Trustee having appeared on that day in opposition to the Motion, by and through his counsel; and Sasser having appeared on that day in support of his Motion; and sufficient cause having been shown therefore; and upon due deliberation and consideration of the facts and circumstances relevant to the matter; and no additional notice being necessary or required; and the Court having rendered its decision, it is now hereby

**SMB 6/29/11      ORDERED,** that the Motion is denied ~~in its entirety with prejudice;~~  
and it is further

**ORDERED**, that the Trustee is authorized, empowered and directed to do such things, execute such documents and expend such funds as are necessary to implement the terms and conditions of this Order.

Dated: New York, New York  
June 29, 2011

/s/ Stuart M. Bernstein  
HONORABLE STUART M. BERNSTEIN  
UNITED STATES BANKRUPTCY JUDGE